

### REMARKS

Favorable reconsideration and allowance of the claims of the present application are respectfully requested.

Applicants acknowledge, with thanks, the Examiner's remarks that Claims 5, 10, 16, 17 and 21 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The remaining claims, i.e., Claims 1-4, 6-9, 11-13, 18-20, 22 and 23 stand rejected under 35 U.S.C. § 102 (e) as allegedly anticipated by U.S. Patent No. 6,917,108 to Fitzsimmons et al.

In order to advance prosecution of the present application, applicants have incorporated the feature of Claim 5 into Claim 1. Thus amended Claim 1 now positively recites that the claimed multilayered dielectric diffusion barrier layer that is a barrier to metal diffusion and is comprised of at least two sublayers where at least one sublayer is an air barrier sublayer which prohibits air permeation and at least another sublayer is a low-k sublayer *that is a dielectric comprised of  $Si_vN_wC_xO_yH_z$  where  $0.1 \leq v \leq 0.8$ ,  $0 \leq w \leq 0.8$ ,  $0.05 \leq x \leq 0.8$ ,  $0 \leq y \leq 0.3$ ,  $0.05 \leq z \leq 0.8$ , and  $v+w+x+y+z=1$* . Applicants observe that the italicized material is subject matter from original Claim 5, which was deemed allowable by the Examiner in the present Office Action. Since Claim 1 includes the features of Claim 5, Claim 5 was cancelled herein.

Since independent Claim 1 now includes a feature deemed allowable that claim, together with dependent Claims 2-4, 6-13 and 16-23, are allowable. Applicants thus observe that the anticipation rejection citing Fitzsimmons et al. has been obviated in view of the amendment made herein above.

Thus, in view of the foregoing amendments and remarks, it is firmly believed that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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